

REMARKS

Claim 10 has been amended to include the limitations of claim 11. Applicant submits that no new matter was added by this amendment.

Claims 10, 14 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kuglen (US Patent No. 6,123,086). The patent to Kuglen discloses a decorative hair accessory including a first comb 35 and a second comb 36 joined to each other by at least one decorative member 11, 12, 14. As provided in column 7, beginning at line 6 of the Kuglen patent, the prior art hair accessory is attached to the hair by "ultimately turn[ing] the combs under the decorative member...so that the teeth 39, 39 of the combs face each other in the hair and the upper surface 11b of the decorative members is visible in the hair." After a careful reading of the Kuglen patent, it does not appear to teach or suggest that the combs are interleaved with one another. The only teaching in the Kuglen patent is that the combs "face each other in the hair. Contrary to the Examiner's assertion that the Kuglen reference teaches combs having teeth with "at least portions of at least selected teeth of each comb fit partially into spaces of the other comb", the reference does not provide any such teaching. The Kuglen reference only provides that the combs "face each other in the hair". However, applicants claimed invention is specifically directed to a hair clip having combs with teeth that are interleaved such that some of the teeth of one comb overlay and other underlay the teeth of a second comb. However, in order to expedite prosecution, Applicant has amended claim 10 to include the additional limitations of claim 11. These limitations include teeth that are substantially elliptical

in cross-section to provide arcuate tapers substantially along their length. Since these limitations are not taught in the prior art, Applicant submits that this rejection has been overcome and requests reconsideration and allowance of the claims.

Claims 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kuglen. The Examiner has asserted that the Kuglen reference does not teach “at least the selected teeth are substantially elliptical in cross-section”. However, the Examiner asserts that such modification would have involved a “mere change in the shape and the size of the component”. However, Applicant asserts that the unique shape of the teeth results in unexpected and unique benefits that are not found in the prior art. This claimed feature is the critical feature which allows the teeth to interfit partially and provides for the trapping of even sparse hair to be retained between the teeth whilst avoiding damaging the hair. The teeth have an elliptical shape that provides a specific utilitarian function that is not taught or disclosed in the prior art. Additionally, as provided above, there is no teaching or suggestion that the teeth in the Kuglen reference are interleaved for clamping hair between the two combs. For the foregoing reasons, Applicant submits that prior art rejections have been overcome and requests reconsideration and allowance of the claims.

Claims 16-18 were held to be allowable over prior art of record.

For the foregoing reasons, Applicant submits that the application is now in condition for allowance and requests reconsideration and allowance of the application.

Respectfully submitted,

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